

February 8, 2006

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 8, 2006, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WENDELL J. EBERLY, Director of Recreation and Facilities
WARREN G. HEIDT, Director of Public Works
RHONDA G. HENDERSON, Director of Planning
FRANKLIN P. O'BYRNE, Director of Information Systems
DIANA C. STULTZ, Zoning Administrator
ROBERT A. SYMONS, Fire and Rescue Chief
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Chairman Breeden called the meeting to order at 3:00 p.m.

Administrator Paxton led the Pledge of Allegiance, and Supervisor Ahrend gave the Invocation.

Supervisor Kyger asked for a moment of silence for Kenneth Keesee, a Turner Ashby High School English teacher who recently passed away.

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STUDENTS WELCOMED.

The Board welcomed seniors from Turner Ashby High School Government Class.

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APPROVAL OF MINUTES.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the Minutes of the Meeting held on January 25, 2006, with one correction to page 19.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Mr. Paxton advised that there are bills under consideration by the General Assembly that would increase the available revenue sharing funds. He will keep the Board informed of the bills' progress.

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TAX RELIEF FOR THE ELDERLY AND DISABLED.

The Board heard a presentation by Mr. Gene Hauze concerning Tax Relief for the Elderly. He recommended that a new application for such tax relief be developed; that the web site be reformatted; that applications be distributed through other governmental agencies such as SSA, USDA, DSS, etc.; that radio, television and newspaper advertising be used to inform citizens; and that a decision be made in early 2006, if possible. The Board thanked Mr. Hauze for sharing his ideas. Mr. Paxton pointed out that present State statutes will not permit the changes

recommended and suggested that the County pursue changes to State statutes to permit some of the actions suggested by Mr. Hauze.

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BLUE RIDGE COMMUNITY COLLEGE.

The Board heard an update on the activities of Blue Ridge Community College, presented by Dr. James Perkins, BRCC President.

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RESOLUTION NO. 06-04 - *STEPPING' OUT WEEK.*

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 06-04, declaring the week of April 24-30, 2006, as *Stepping' Out Week* and accepting the challenge of the Harrisonburg City Council to walk more steps in seven days than the members of the City Council.

RESOLUTION NO. 06-04
SECOND ANNUAL MEDICAL FITNESS WEEK
STEPPIN' OUT

WHEREAS, Rockingham Memorial Hospital Wellness Center is sponsoring a *Stepping Out Program* in conjunction with the Second Annual Medical Fitness Week of April 24-30, 2006; and

WHEREAS, the *Stepping Out Program* is a challenge to all citizens of the Rockingham/Harrisonburg community to get out and get active by striving to walk a minimum of 70,000 steps in 7 days; and

WHEREAS, Rockingham Memorial Hospital Wellness Center on January 10, 2006 requested the City Council to designate the week of April 24-30, 2006 as the Second Annual Medical Fitness Week - *Steppin' Out* and further challenged all members of the Harrisonburg City council to join the community by striving to walk a minimum of 70,000 steps in 7 days; and

WHEREAS, the Harrisonburg City Council has challenged the Rockingham County Board of Supervisors, and the Town Councils of all of the Towns located in Rockingham County, to join in the *Stepping Out Program* and attempt to walk more steps in 7 days than the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

1. That the week of April 24-30, 2006, is hereby designated as the Second Annual Medical Fitness Week – *Steppin' Out*; and

2. That the Board encourages citizens of the County to get out and get active by striving to walk a minimum of 70,000 steps in 7 days; and

3. That the Board accepts the challenge of the Harrisonburg City Council to walk more steps in 7 days than the members of the City Council

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated February 3, 2006, concerning a proposal from the JMU College of Business to develop two separate models using econometric methods to derive the estimated impact of development on education and government services. He advised that, if the time required to maintain the model and prepare the reports for proposed developments requires it, then the financial analyst that the Board authorized earlier this year will be employed by the Finance Department for this purpose. Mr. Paxton also submitted to the Board a draft resolution for rail access funds, similar to the industrial access funding resolution adopted at the last meeting.

In regard to the JMU proposal for development of models to derive the estimated impact of development on education and government services, as recommended by the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board appropriated up to \$13,000 001-01215 Finance to be used for this study, with funding to come from the contingency.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 06-05 endorsing the application of the Virginia Poultry Growers Cooperative, Inc., for \$450,000.

RESOLUTION NO. 06-05 FOR LOCAL SUPPORT OF THE UTILIZATION OF INDUSTRIAL ACCESS RAILROAD TRACK FUNDS

WHEREAS, the Virginia Poultry Growers Cooperative, Inc., has expressed its intent and desire to the Rockingham County Board of Supervisors to locate its new manufacturing facility in Rockingham County, Virginia; and

WHEREAS, the Virginia Poultry Growers Cooperative, Inc., has purchased property located in Rockingham County and will enter into a firm contract to expand its facilities on that property for the purpose of developing a grain storage facility; and

WHEREAS, this new facility is expected to involve a new private capital investment in land, building, and manufacturing equipment of approximately \$15,000,000; and the Virginia Poultry Growers Cooperative, Inc., is expected to employ 20 persons at this facility; and

WHEREAS, manufacturing operations are expected to begin at this new facility in the Spring of 2007; and

WHEREAS, the Virginia Poultry Growers Cooperative, Inc., and its operations will require rail access; and

WHEREAS, the officials of the Virginia Poultry Growers Cooperative, Inc., have reported to the County their intent to apply for industrial access railroad track funds, from the Commonwealth of Virginia's Department of Rail and Public Transportation, in the amount of \$450,000; and

WHEREAS, the Virginia Poultry Growers Cooperative, Inc., has requested that the Rockingham County Board of Supervisors provide a resolution supporting its application for said funds which are administered by the Virginia Department of Rail and Public Transportation;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby endorses and supports the application of the Virginia Poultry Growers Cooperative, Inc., for \$450,000 in industrial access railroad track funds; and

BE IT FURTHER RESOLVED that the Rockingham County Board of Supervisors hereby makes known its desire and intent to assist the Commonwealth Transportation Board in providing the maximum financial assistance to the Virginia Poultry Growers Cooperative, Inc., for the purpose of locating its new manufacturing facility in Rockingham County, Virginia.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated February 8, 2006, including information concerning schedule for Penn Laird Drive and Water Tower Road sewer (schedule provided to Board); Lakewood/Massanetta Springs pump station essentially completed with minor restoration work remaining; McGaheysville WWTP (pursuing two-tiered permit allowing for future expansion to .49 mgd); Phase III Landfill extension (continuing to work with DEQ); Grassy Creek tank (electrical work at meter vault remains to be completed); Three Springs Water system analysis (final report expected

at the end of this month); Pleasant Run Interceptor (final survey of interceptor path being conducted); Lily Gardens (Board action required); City of Harrisonburg Waste to Energy Plant; and Solid Waste Ordinance changes (information sent to news media and others in the community).

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board authorized the County Administrator to sign a proposal from Peed & Bortz in the amount of \$33,300 to provide evaluation of the Belmont Subdivision's and Highland Park Subdivision's existing sewage systems and pumping requirements, evaluation of future flow requirements, design detail engineering and preparation of bid documents, bid evaluation and recommendations, preparation of construction documents, construction engineering oversight, startup support and final inspections and commissioning.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board authorized the County Administrator to sign a proposal from Peed & Bortz in the amount of \$35,800 to provide design detail engineering and preparation of bid documents, bid evaluation and recommendations, preparation of construction documents, construction engineering oversight, startup support and final inspections and commissioning for upgrading the existing Lilly Gardens/Sunset Subdivision system.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated February 8, 2006, including information concerning the draft McGaheysville Area Plan (Planning Commission recommended approval); priority projects underway, tabled requests, and upcoming requests.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated February 2, 2006, including information concerning the ICHRIS software; document imaging project; Circuit Courthouse deed room project; Web Site development project; Dataflex software system conversions; Windows

Service upgrades; and equipment for Commonwealth's Attorney's and Commissioner of the Revenue's offices.

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FIRE & RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated February 1, 2005, including information concerning personnel, training, Prevention Division activities, public education, and other activities.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized expenditure of up to \$40,000 to be used for the basic audit of all 17 Fire & Rescue units throughout the County. An appropriation will be considered when the schedule is determined. Staff is to inform the volunteer fire companies and rescue squads of this action. Staff will include this item in the proposed budget in future years.

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RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated February 2, 2005, including information concerning facilities (Administration Center office moves and carpet and tile replacement in various offices) and recreation programs.

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APPOINTMENTS - CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board reappointed William L. Vaughn and George T. Dowrey, III, as Commissioners of the Central Shenandoah Planning District Commission, and nominated Mr. Vaughn to stand for Executive Committee member election.

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RECESS.

Chairman Breeden recessed the meeting from 4:55 p.m. to 7:42 p.m. for dinner and for a visit to the Bonavita and Munoz special use permit sites.

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MEETING CALLED BACK TO ORDER.

Chairman Breeden called the meeting back to order at 7:42 p.m.

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STATE BUDGET AMENDMENTS - SOCIAL SERVICES.

The Board discussed two State budget amendments regarding Social Services, case counts and the Foster Care program.

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RECESSED FOR MEETING OF PENN LAIRD SEWER AUTHORITY.

At 7:45 p.m., Chairman Breeden declared the meeting recessed for a meeting of the Penn Laird Sewer Authority.

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MEETING CALLED BACK TO ORDER.

Chairman Breeden called the meeting back to order at 7:47 p.m.

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S05-71, REQUEST OF PETER A. BONAVIDA.

At the request of Chairman Breedon, on motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDON - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table S05-71, request of Peter A. Bonavita, 17119 Mt. Pleasant Road, Elkton, for rental storage units in 2 existing poultry houses on property located on the northeast side of Mt. Pleasant Road (Route 623) approximately 1/2 mile west of Huckleberry Road (Route 634) in Stonewall Magisterial District, Election District #5, zoned A2. (Tabled by the Board on December 14, 2005.)

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDON - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved S05-71, request of Peter A. Bonavita, subject to the following conditions.

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
2. Change of use building permits shall be required. Applicant must have an engineer's report regarding the buildings in order to obtain the change of use permits.
3. As required by VDOT five trees east of entrance must be cut and 100 feet of trees/brush must be cut on west side of entrance.
4. A commercial entrance permit shall be obtained from VDOT's Residence Office and entrance shall be constructed in accordance with said permit. A copy of the entrance permit shall be submitted to the Community Development Department prior to obtaining building permits.
5. This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
6. Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on the VDOT right-of-way.
7. On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
8. There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
9. Applicant shall not use the property for commercial storage of explosives, fuels or other flammable materials, or goods or products that contain, emit, produce, or generate toxic or hazardous substances in such quantities or in such manner which would require reporting under The Emergency Planning and Community Right to Know Act, 42 USC § 11001 et seq. or The

Comprehensive Environmental Response, Compensation and Liability Act, 42 USC § 9601 et seq.

10. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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S06-06, REQUEST OF KAREN K. MUNOZ.

At the request of Chairman Breeden, on motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table S06-06, request of Karen K. Munoz for a residence involving a division of land on property located on the west side of Longley Road (Route 657) approximately 1/10 mile north of Valley View Road (Route 658), Election District #5, zoned A1. Tax Map #141-(A)-55. (Tabled by the Board on January 25, 2006.)

Supervisor Kyger moved and Supervisor Cuevas seconded to approve the request. The motion failed by a vote of 1 to 4, voting recorded as follows: AHREND - NO; BREEDEN - AYE; CUEVAS - NO; FLOYD - NO; KYGER - NO.

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CLOSED MEETING.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 7:50 to 8:05 p.m. in accordance with State Code Section 2.2-3711(A) related to discussion concerning location of a business in the County where no previous announcement has been made.

At 8:05 p.m., Chairman Breeden called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR CUEVAS RESOLUTION NO: X06-03
SECOND: SUPERVISOR KYGER MEETING DATE: FEB. 8, 2006

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:
AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER
NAYS: NONE
ABSENT: NONE

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 8:06 p.m.

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Chairman